

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVON SMITH, ) Civil Action No. 22 – 102J  
Plaintiff, )  
v. ) Magistrate Judge Lisa Pupo Lenihan  
BARRY SMITH, *et al.*, )  
Defendants. )

**AMENDED ORDER**<sup>1</sup>

Plaintiff has submitted a Motion to Proceed *in forma pauperis* (ECF No. 1) along with a prisoner civil rights complaint. When submitting a Motion to Proceed *in forma pauperis*, the plaintiff is required to submit “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). In addition to the aforementioned affidavit, the plaintiff is further required to “submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the petition or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a)(2).

Plaintiff has failed to submit a copy of his institutional account statement, certified or otherwise. Because Plaintiff has failed to comply with the statutory prerequisites for proceeding *in forma pauperis*, the motion will be denied and the case closed. Plaintiff may file another motion to proceed *in forma pauperis* with the inmate account statement. If the resubmitted

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<sup>1</sup> The Court’s previous Order dated June 29, 2022, contained a typo in the amount of the filing fee.

motion is granted, the case will be re-opened. Plaintiff may also re-open the case by paying the \$402.00 filing fee. Therefore,

**IT IS HEREBY ORDERED** this 29th day of June, 2022, that Plaintiff's Motion to Proceed *in forma pauperis* (ECF No. 1) is **DENIED**.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to mail to Plaintiff the necessary forms for leave to proceed *in forma pauperis* along with this Order and to mark this case **CLOSED**.

/s/ Lisa Pupo Lenihan  
Lisa Pupo Lenihan  
United States Magistrate Judge

Cc: Davon Smith  
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